



Application Serial No. 10/629,335

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Banik et al.
Title: HERMETICALLY SEALED
CONTAINER
Appl. No.: 10/629,335
Filing Date: 07/29/2003
Examiner: Unknown
Art Unit: 3728
Attorney
Docket No.: 076565/0129

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p><u>Jeanne M. Johnson</u> (Printed Name)</p> <p><u>Jeanne M. Johnson</u> (Signature)</p> <p><u>12/30/03</u> (Date of Deposit)</p>
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INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statement in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal

Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

The relevance of the foreign-language documents is described in the present specification. An English translation of the foreign-language documents is not readily available. However, the absence of such translation does not relieve the PTO from its duty to consider the submitted foreign language documents (37 CFR §1.98 and MPEP §609).

Erlhofer et al. (FR 2 576 496 titled "Make-up Case for Volatile Creams") describes a make-up case that has a seat (12) and a lid (14) hinged on this with a mirror (16) on it's inner face. An inner cover (20) is hinged on the seat and closes the (22) in it. An insertion piece (18), made of polypropelene, is fitted into the seat making an airtight seal. The opening is circular and the inner cover has, on it's inner face, an annular lip (24) which can be pushed into the opening. On the outer face of the cover there is a projecting edge that presses against the inner wall of the opening.

Weick, H. H. (WO 83/02051 titled "Refillable Case for Refreshing Towels") describes a refillable case that comprises a bottom shell portion (1) and a cover shell portion (2) which are joined together by a hinge (3). The shell portions enclose a circular chamber (4) in which are disposed two stacks of freshen-up cloths (6), of square configuration, folded into a semicircular form. A retaining member (5) in the form of a plate is disposed centrally in the chamber, approximately at the level of the plane of the chamber opening. Each cloth is so folded and fitted into the chamber that a triangular portion is on the top.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check

being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

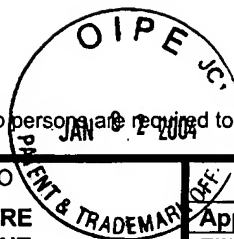
Respectfully submitted,

Date 12/30/03

By Scott M. Day

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MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Date Submitted: December 29, 2003

(use as many sheets as necessary)

C mplete if Known

Application Number	10/629,335
Filing Dat	07/29/2003
First Named Inventor	Joachim Banik
Group Art Unit	3728
Examiner Name	To Be Determined
Attorney Docket Number	076565-0129

Sheet 1 of 4

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		6,336,460		Yuhara	01/08/2002	
		6,311,701		Yuhara et al.	11/06/2001	
		6,309,105		Palumbo	10/30/2001	
		6,298,863		Byun	10/09/2001	
		6,269,969		Huang et al.	08/07/2001	
		6,213,300		Flaig et al.	04/10/2001	
		6,199,559		Nikolaus et al.	03/13/2001	
		6,173,719		Petit	01/16/2001	
		6,168,044		Zettle et al.	01/02/2001	
		6,135,277		Armstrong	10/24/2000	
		6,102,209		D'Andrea	08/15/2000	
		6,032,827		Zettle et al.	03/07/2000	
		5,992,679		Porchia et al.	11/30/1999	
		5,950,638		Crosta	09/14/1999	
		5,938,069		Macchia	08/17/1999	
		5,931,169		Kervoelen	08/03/1999	
		5,906,212		Favre	05/25/1999	
		5,884,636		Sheffler et al.	03/23/1999	
		5,875,918		Sheffler et al.	03/02/1999	
		5,842,486		Davis et al.	12/01/1998	
		5,769,234		Gueret	06/23/1998	
		5,704,471		Yamada	01/06/1998	
		5,669,400		Sheffler et al.	09/23/1997	
		5,647,506		Julius	07/15/1997	
		5,638,838		Lombardi	06/17/1997	
		5,582,314		Quinn et al.	12/10/1996	
		5,533,621		Schoal, Jr.	07/09/1996	
		5,531,349		Wojcik et al.	07/02/1996	
		5,531,325		Deflander et al.	07/02/1996	
		5,520,202		Arbree	05/28/1996	
		5,515,875		Acker et al.	05/14/1996	
		5,431,177		Kecman	07/11/1995	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: December 29, 2003 (use as many sheets as necessary)		Applicant Number	10/629,335
		Filing Date	07/29/2003
		First Named Inventor	Joachim Banik
		Group Art Unit	3728
		Examiner Name	To Be Determined
Sheet 2 of 4	Attorney Docket Number	076565-0129	

U.S. PATENT DOCUMENTS				
U.S. Patent Document				
5,425,469		Freedland	06/20/1995	
5,379,897		Muckenfuhs et al.	01/10/1995	
5,366,104		Armstrong	11/22/1994	
5,353,818		Suzuki et al.	10/11/1994	
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5,205,431		Zinnbauer	04/27/1993	
5,139,165		Hara	08/18/1992	
5,135,012		Kamen et al.	08/04/1992	
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5,078,159		Yuhara	01/07/1992	
5,050,737		Joslyn et al.	09/24/1991	
4,971,220		Kaufman et al.	11/20/1990	
4,917,131		Contreras, Sr.	04/17/1990	
4,826,014		Schefer	05/02/1989	
4,801,039		McCall et al.	01/31/1989	
4,790,436		Nakamura	12/13/1988	
4,781,288		Wing	11/01/1988	
4,756,140		Gannon	07/12/1988	
4,708,259		Olimpio	11/24/1987	
4,681,127		Gueret	07/21/1987	
4,586,519		Seidler et al.	05/06/1986	
4,569,438		Sheffler	02/11/1986	
4,553,665		Weick et al.	11/19/1985	
4,535,912		Bonk	08/20/1985	
4,471,880		Taylor et al.	09/18/1984	
4,454,889		Contreras, Sr.	06/19/1984	
4,347,943		Hackwell et al.	09/07/1982	
4,254,775		Langer	03/10/1981	
4,018,237		Steiman	04/19/1977	
3,979,020		Braber et al.	09/07/1976	
3,967,756		Barish	07/06/1976	
3,911,936		Kingsford	10/14/1975	
3,836,044		Tilp et al.	09/17/1974	
3,819,043		Harrison	06/25/1974	

Examiner Signature	Date Considered
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Sheet	3	of	4	Attorney Docket Number	076565-0129

[illegible]

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		Office ³	Number ⁴	Kind Code ⁵ (if known)				
			WO 02/14172	A1	PCT	02/21/2002		
			WO 01/89354	A1	PCT	11/29/2001		
			WO 01/85551	A2	PCT	11/15/2001		
			WO 01/74687	A1	PCT	10/11/2001		
			WO 01/51378	A1	PCT	07/19/2001		
			WO 01/38189	A1	PCT	05/31/2001		
			WO 01/38188	A1	PCT	05/31/2001		
			WO 01/38187	A1	PCT	05/31/2001		
			WO 01/32826	A1	PCT	05/10/2001		
			EP 0 919 156	A1	EPO	06/02/1999		
			WO 98/36985		PCT	08/27/1998		
			FR 2 576 496		France	08/01/1986	Translated Abstract	
			WO 83/02051		PCT	06/23/1983	Translated Abstract	
			CH 380299		Switzerland	09/15/1964	No Translation	
			599,452		Great Britain	03/12/1948		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

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